

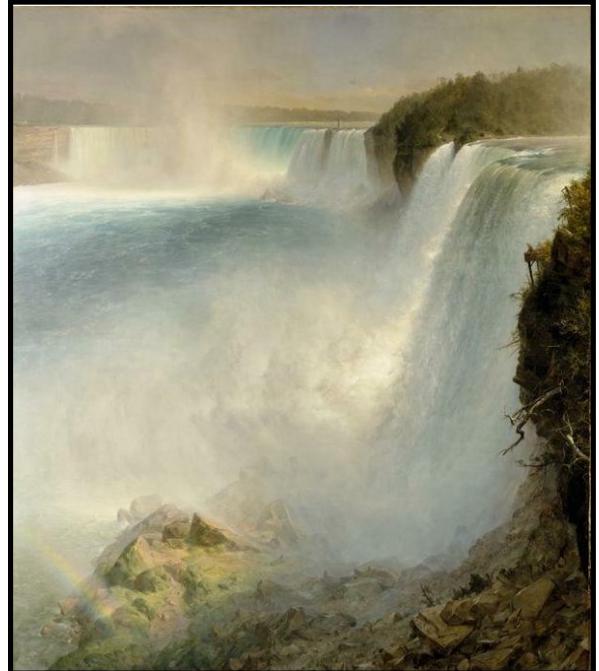
The Niagara Gorge & Terry Collier

By Herm Hoops & Terry Collier

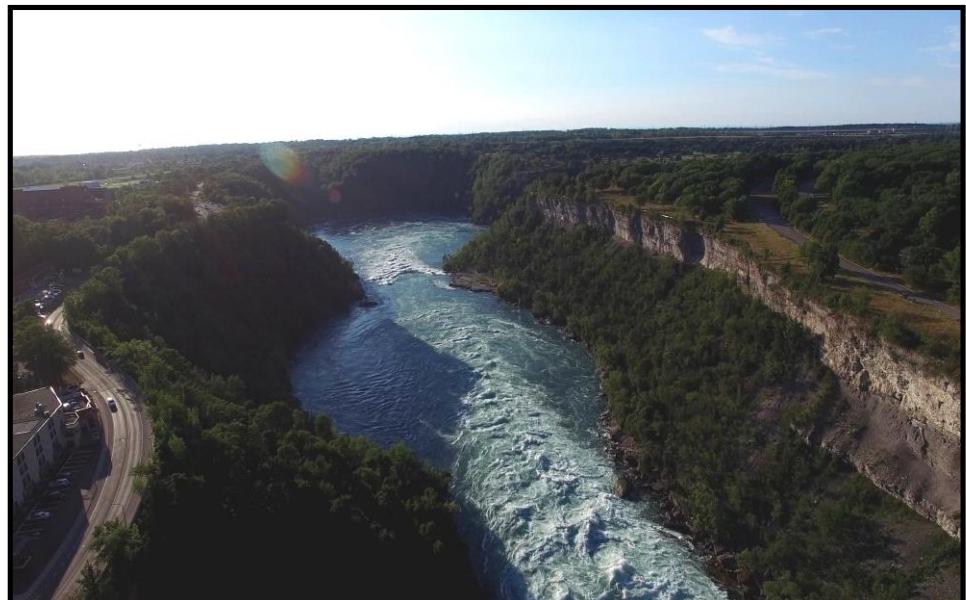
It is hard to imagine the impression that the Niagara Falls had on the first humans to see them. The sound and vibration of the Falls must have been stunning in the then wild setting. But below the Falls the Niagara River thunders through a narrow canyon. Imagine the impression those towering, twenty plus foot waves, powerful holes and a gigantic eddy had on then 18-year-old Terry Collier! (#b.)

The Niagara River collects all the water from the Great Lakes which amounts to about 20% of the world's fresh water. Over the past 12,000 years, the turbulent currents of the immensely powerful Niagara Falls have carved out a 7-mile gorge on the lower Niagara. Hundreds of thousands of gallons of water flow over the Falls every minute and as that water enters the narrow rock gorge, it is compressed into perhaps the most dramatic rapids in North America.

It was once not uncommon to see 50,000 cubic feet of water/second thunder over the big drop of Lava Falls in the Grand Canyon. But below Niagara Falls, in the Niagara Gorge the river drops over 300 feet in seven miles - and over 200,000 cubic feet of water often booms and pounds, reverberating into the very core of the Earth. Moving at over 30 miles per hour in the gorge, at times 250 feet wide, the Niagara River creates the largest standing waves in North America. (#a.)



{Niagara Falls, from the American Side
Frederic Church - National Galleries Scotland (#g.)}



{View down river - "The Whirlpool" on upper center}

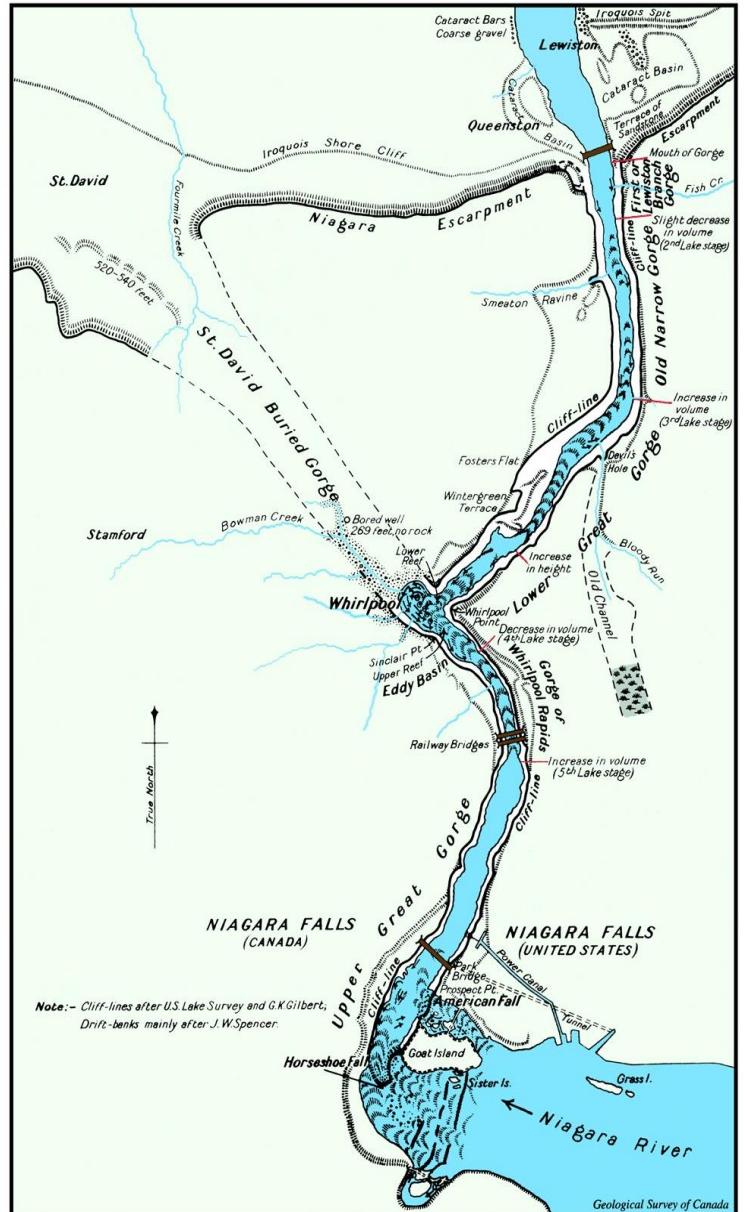
{Numbers in parenthesis (1) are REFERENCES; letters in parenthesis (#a) are described in SIGNIFICANT NOTES.}

American River Touring Association's (ARTA) Lou Elliott had been communicating with George Grider of Niagara Falls, New York about planning regular five-mile raft trips through the Niagara River rapids to Lewiston, New York each day. (4,5,9,27)

Niagara Falls welcomes approximately 12 million visitors yearly and an exciting operation like whitewater rafting, even if it only attracted a small percentage of visitors, could be a very profitable operation. In 1971 a fledgling commercial enterprise named the Niagara White Water Raft Company, supported by ARTA made its first successful trips through the Whirlpool Rapids in a white-water pontoon. The rafts were owned by Niagara White Water Tours, a company formed by George Grider and William Wendell, both executives of the Carborundum Company of Niagara Falls, New York. (3,4,5,6,7)(#c,#l..#m.)

Grider's enterprise at a commercial operation in the rapids of Niagara Gorge, was not the first to run the rapids there. Actually, the first descent of Niagara Gorge was more a commercial proposition than a stunt. In 1861, the steam-powered Maid of the Mist, the tourist boat that plied below the falls, was sold by auction on the very sensible condition that the vessel be delivered ten miles downstream. For \$500.00 (a lot of money in those days) Captain Joel E. Robinson agreed to take the boat through the rapids. For much of the run the Maid disappeared from sight. The pounding whitewater sheared off funnel and deck fittings as if they were plastic, but Captain Robinson and his crew of two came through unscathed. (2)

Captain Matthew Webb came to Niagara Falls during the summer of 1883 with the sole purpose of challenging the vicious Niagara River. He was promised a \$2,000 reward if he successfully swam through the Niagara River Whirlpool Rapids. (2) On July 24th 1883, Captain Webb was rowed out from the Maid of the Mist landing to the middle of the Niagara River. At 4:25 p.m., Captain Webb dove into the river and began swimming towards the mighty whirlpool rapids. There is a conflict of opinion of whether Captain Webb made it through the rapids. Some eye witnesses believe that he made the trip through the rapids in two minutes but was drawn underwater at the Whirlpool. The other view is that Captain Webb drowned in the rapids before he made it to the whirlpool. Either way, four days later Captain Webb's mangled body was recovered near Queenston. (2)(#d.) (See Appendix I for additional challenges to the Niagara Gorge)



Charles Percy was the first person to ride the rapids in an 18' long boat in August 1887. He made three trips through the rapids in 1887. On Percy's last trip he narrowly escaped death and his boat sank. (2)

In the spring of 1971 Lou Elliott (ARTA) went to Arizona to recruit guides for a Niagara Gorge Whitewater Raft Company and Mike Castelli, Al Wilson, John Benedict and Dennis Prescott were the first to sign up for the project. Castelli and Wilson drove an old International pickup and trailer loaded two boats, motors and other gear and drove from Flagstaff to Niagara, New York. (6,10)(#p.)

They planned to make the commercial run two or three times a day. They would motor through the rapids, and then a calm spot, and then the river constricted and created a set of gigantic waves that ended in the huge whirlpool. There is a tramway that spans above the whirlpool. The river then passes by the lower end of the power generating plants. The Robert Moses Niagara Hydroelectric Power Station is a hydroelectric power station diverts water from the Niagara River above Niagara Falls and returns the water into power plants on the lower portion of the river above Lake Ontario. The flow of the falls is cut in half during the day, and at night they cut the flow in half again. The pump-generating plant in the Lewiston Dam is atypical, in that the dam was constructed not to control the flow of water in a natural river, but rather to contain a man-made 1,900-acre reservoir which stores the water before being released into the forebay of the Robert Moses Power Station. The Sir Adam Beck Hydroelectric Generating stations mirror the Moses Station on the Canadian side of the river



{Sir Adam Beck Hydroelectric Generating Stations (left) & Robert Moses Niagara Hydroelectric Power Station (right)}

Water enters the forebay via tunnels from the Niagara River controlled by the International Control Dam upstream of the falls. Water is then either pumped up into the upper reservoir or immediately sent down over the escarpment downstream of the falls into the Robert Moses Power Station turbines. During the day they take less water from the river to showcase the falls, at night when there were few people the power plant takes much more water from the river. (6,19)(#e.)

Initially the boats and gear were lowered to the river with cables. (33) Below the American Falls there is a big pool and adjacent to the falls is a half-bridge and a tower, called Prospect Point Tower, with two elevators to take people and supplies down to the river for the Maid of the Mist tour. The half-bridge went out far enough so people could have a good view of the falls. For testing, the pontoons in the Lower Gorge in 1971 everything was carried over the bridge and taken down by the elevator. The frames were broken down because everything had to fit into the elevator. Once down to the river the S-rigs were assembled and they began testing the run through the Gorge. (5,6)(#i.,#n.)



Before they ran the Gorge the crew walked up and down the shore, Dennis Prescott remembers, "The waves were just exploding and the currents were crazy, bouncing from side to side in the narrow gorge." They made the first trip successfully and began building trailers to haul the inflated boats on. The boats planned to motor down to Lewiston on Lake Ontario and the customers would be bussed back to the Falls. They derigged the pontoons by taking the side tubes off and winching the main pontoon on the trailer. (6) They initially used 20 horsepower motors, but later went to 40 horsepower motors. (5)



{ARTA - 33' Pontoon w 2 outrigger tubes outside & one inside}

"It was obvious we needed to do test trips, because where the constriction was at the bottom of the main rapid, was a huge wave, and it was a sharp one. It wasn't like an over-the-rock kind of wave, it was just down and up. And then the up-side was, my God, probably twenty feet or something. It was really, really big. It had a little curl on top, and it was pretty standard shape all the time. We figured we could run around it. Actually, you could run around it on both sides, but I believe we ran the left side to get around that wave. Well, on the first or second or third trip after we got the frame put together, George Grider and his attorney and myself and Dick Overguard were on the boat. And Dick was sitting across from me...and poor Dick, he had the notoriety from flippin' a motor rig in Badger Creek. I wanted to find out if it was possible to ferry from one side of the river to the other, and I thought we could at the bottom of this rapid. There was a lot of water and a lot of current there, and our motors were really pretty good, and it was an empty boat, except for just these three or four people on it. So when we came out of the rapid, I just pulled over to the right side of the river, then I turned back around and I ferried back across. Well, all of a sudden I found out that I was not gonna make the ferry, and I'd better get lined up and get ready to run this last little rapid here. So I turned the boat around, and the only thing I could do was just point it straight into the wave, rather than miss the thing. And that boat just went straight over backwards like that, a total endo. It was so funny, because Dick and I are both sittin' in the motor box, and he goes, "Crazy, we're gonna flip!" We went over. And that created immediate hysteria. Every trip after that, there were helicopters. I'm surprised they didn't crash into each other. Wantin' to shoot another flip, yeah. So then a little later, the next big trip... I just, after the flip, I really wanted to get the hell out of there, really. I had what was, in effect, a verbal contract to spend two months, which was nearing the end, and then I was gonna go, because I had Grand Canyon trips scheduled. And so the sooner I could get out of there, the better. I ran a couple more trips after that, but I just decided, "Why do I need to do this?" I kind of lost my energy for it. The flip sort of took a lot out of me. The final trip I was involved in was the "Press Trip." (6, 35)(#f, #q.)

In the spring of 1972 Jerry Morton called an 18-year-old Terry Collier and said he was headed to the Niagara Gorge and he asked if Collier wanted to go. Morton was on his way to Kanab, Utah to pick up some pontoons and side tubes from Ron Smith's Canyon Inflatables to take back to Niagara Falls. With no idea what the Niagara Gorge was like Collier agreed to go and Jerry picked Terry and their two girlfriends in Vernal. When they got to Niagara they met Dick Overguard, Breck O'Neill and Bobby Jensen. They had 2 vehicles, side' tubes, 4-37' donut pontoons and a big trailer. (4,5,20,32, 34)(#p.)

The company had bought a tower that used a donkey engine and a cable to bring the boats down. It took about two weeks for Terry Collier help to build the tower and get the lift running. One end of a cable was anchored in the rock and using drums a line moved a sheave up and down. A boat was hooked onto the sheave the boat was lifted clear and brought down to the river. Collier, who grew up on a ranch, and Morton were the only one who really knew how to run the lift. They used permanently attached straps under the pontoon so all that had to be done was to couple the hooks to lift the boat up and lower it down. They also built a dock by the river. The guides were telling welders how to build the motor frame, dry boxes, etc, Collier and others thought it really was a screwed-up operation. (5,6,13) While they were working on the lift they had a work boat in the river. It had nylon ropes under the tubes to keep the side tubes, or sponsons from folding up. They drew straws to see who had to do the shuttle, and Collier got the short straw and he ran the shuttle. On the first trip with a full boat of newspaper and TV reporters one of the side tubes peeled off the boat. They had just installed steel clad transoms because they were using the 40 horse motors for the first time and needed the strength steel provided. The trouble was that clamping steel to steel works well for straight running with the motor, but when you make a hard turn the clamps slip and in this case they hit one of the waves in the top of the rapid and the hardware used to strap the side tubes to the boat broke and one tube peeled off dumping one person into the river in front of the boat.

Al Wilson was watching the group and scrambled to the front and got the guy back into the rig. He heard the motorman yelling for help and raced to the back of the boat to find him on his knees holding the motor just out of the water and together they lifted it back onto the transom. That was Wilson's last trip and when they got back to the Lewiston take out the Coast Guard shut the operation down. (5,35)



{Grand Canyon Tours - 33' S-Rig in the Grand Canyon}

Then the crew came up with the double rigs: Basically 2 S-Rigs with extra sponsons in the middle of each donut pontoon with a tube between them. This time they ran chains underneath the boats and sponsons so they wouldn't pancake or tear apart. On inspection the Coast Guard gave them approval to continue testing the run. (5) That summer they ran a number of test runs. (13)

On August 13th 1972 on their eleventh trip with the river flowing at over 200,000 cubic feet per second, their 37-foot double rigged pontoon boat tossed seven people into the river. Terry Collier remembers:

"I was the guide, we had four swampers and I was running the boat. I believe it was over 250,000 cfs going over the falls. The swampers were Bob Jensen, Jerry Morton, I think Breck O'Neill and I can't remember the fourth but it wasn't Al Wilson. We went under the bridge connecting the United States and Canada and went into the rapid sideways at the top of the rapid and I lost seven people off of my boat. I cut the motor and we got all but four of them back on the boat. There was this girl, and I heard this thunk on the motor frame and I looked back there and there was an arm that came up just right next to the motor and I grabbed the arm and it was the girl. I couldn't get her in and about that time another guy popped up next to the boat and he was hanging on to the d-rings between the two boats by the motor box. It turned out it was her boyfriend. We were drifting backwards into the big hole and I was afraid that when we hit that hole it would smash him into her and her into the motor. We weren't able to get her out (back in the boat) yet. I believe it was Jerry, I hollered at him and he came back there and I was hollering at her boyfriend when I tell you to let go, you let go and he said fuck you! I said if you don't you're going to hurt her and yourself on this motor box. We went down in the hole and I screamed let go god-damn it let go. He let go and we were just going over the hole and he fell down into the water, we hit the bottom of the hole and Jerry and I both had hold of this girl and when we hit the wash out it just picked her up and we sat her right in the motor box." (28)

"She had broken her hand in a couple of places. I can't remember who was on the front of the boat but they saw her boyfriend on the side of the boat and hollered out: he's here, he's here. So I fired it up (the motor) and we got hold of him and one guy had washed out on the American (right) side (of the river) and was walking downstream a little ways. We could see the other guy in the whirlpool. That big whirlpool, so we went over and got him. Then went across and picked up the other fellow. Then we got down to the boat ramp (at Lewiston) where the river comes out on Lake Ontario. There was a little boat ramp there, when we got there, it was full of people, there were already news vans, and somebody called it in when it first happened." "This girl had broken her hand and her dad was there and he wanted me arrested and hauled to jail right then because I was only 18 years old and not qualified to be doing that." "The Coast Guard cut us off. Just about everybody left (river guides), but I had to go to a couple of Coast Guard hearings." (4,5) "Essentially, the passengers consisted of company employees, local dignitaries, a few of the owners' relatives, at least in the early trips. A local beauty queen was invited aboard and broke her wrist or arm during the ride." (28)

Collier had to stay there for an extra week or two for the hearings. Authorities were concerned because of his age, but when they checked and found that he had over 50 trips down the Grand Canyon, and all of his experience, they were placated. (5,6) The Niagara White Water Raft Company ceased operations on August 13th 1972.

In 1975, Niagara Gorge River Trips Inc. began operation of a whitewater rafting business through the Whirlpool Rapids of the Niagara Gorge. Their rafts were a prototype rubber raft made by the Zodiac Company of France. (26, 32,) (#j.)

On May 23, 1975 the standing waves threw the two 37-foot nylon rafts high into the air. On July 26, 1975 trail run, six passengers were thrown into the rapids. They were able to be saved by the second raft only after they had been swept downstream into the Whirlpool. On August 5th 1975, during its maiden commercial voyage, a pontoon was torn away in the first rapid and one passenger was plunged into the rapids. On August 13th 1972, seven people riding through the Whirlpool Rapids were thrown overboard.

On August 29th 1975 a thirty-seven-foot-long raft belonging to Niagara Gorge River Trips Inc. carrying 29 tourists and two pilots capsized in the Whirlpool Rapids throwing everyone into the rapids. Three passengers died from drowning and twenty-six survived. The accident occurred during the 11th trial run of this raft tour through the Niagara River rapids. The raft had departed from the Maid of the Mist dock at the base of the Prospect Point Tower and was about two miles downriver of a five-mile route to Lewiston, New York. during the eleventh trial run through the Whirlpool Rapids.

(1,28,13,14)(#j,#h.)

"It was just like hitting a wall," said David Knowley a *Niagara Falls Tribune* reporter who was on the Trip. "The trouble started when we were in the rapids near the gorge wall and we hit a huge wave. It must have been 30 feet high. We went into a trough and the raft stood on its end and then flipped over on Its back. Everyone was dumped, just everybody. I was caught under the raft and thought I'd never get out. A few of us got caught in an eddy and made It to shore. We pulled two bodies out of the river but couldn't revive them." (14)

John Silva, a U.S. Customs official at the Whirlpool Rapids Bridge saw the raft capsize. "I saw people with red (life) jackets bobbing down the river," he said. (3)

Capt. Joseph Demarco of the Niagara Frontier [N.Y.] state parks said three bodies were recovered by searchers by Friday evening. Demarco said all of the persons aboard the experimental motor-powered raft, which was making its fourth trip this week, had been accounted for. He said the three victims brought to shore were trapped under the overturned raft. He said 12 to 14 persons managed to cling to the raft as it was brought to shore. Eight others made It to shore on their own. Wes Hill, of Chippewa, Ont., a volunteer fireman, whose father and brother had gone over the Falls in barrels, said as far as he knew all the persons aboard the craft were wearing life jackets. Frank L. Bilotta, manager of the Ae-Complex at the Whirlpool Park in Niagara Falls, Ontario, said he saw five persons float to the Canadian shoreline after the raft overturned. Bilotta said a helicopter from the Niagara Helicopter, Inc., dragged two persons to shore but could not pull them up because of the force of the rapids. (16)



{Raft Recovery on the Niagara River at the Whirlpool}

Police said four of the persons pulled out of the water were unconscious. Bilotta said the raft was making its fourth trip of the week. He said Friday's trip was promotional and there were many reporters and businessmen aboard the raft. "We don't like any of these daredevil stunts In the gorge," he said. "They came down the wrong side of the river. They came thru the worst part of the rapids." The 37-foot rubber raft, powered by a 40-horsepower motor and operated by a two-man crew, has been making test runs on the river for two weeks for Niagara River Gorge Trips, Inc. The firm was making the tests in hope of offering it eventually as a tourist ride thru the rapids. Dick Overgaard and Jerry Morton were co-pilots of raft that overturned. (16) To further add to this tragedy, one man, piloting a 22 foot - 250 horsepower jet boat pilot died of a heart attack while attempting to recover this raft from the Whirlpool of the Niagara Gorge. (8) The commercial Niagara Rapids raft trips were then discontinued and have never been resumed to this date. (16)

Canadian and United States government authorities, four police forces and the U.S. Coast Guard investigated the experimental raft ride on the turbulent Niagara River below Niagara Falls which resulted in three deaths and 20 injuries. The Niagara Falls Police Department wanted to haul the disabled boat out of the Whirlpool with a tow truck, but the crew said that no one helped them when they had a flip in the Grand Canyon, and so they did the major part of the pontoon recovery. (32) It was also reported that U.S. police lifted the 37-foot. black rubber raft by air to the U.S. side of the river where it was examined to determine why it overturned near the Whirlpool Rapids.

The raft, owned by Niagara River Gorge Trips Inc. of Toronto, was on its 11th test run since Aug. 19 when it hit a large wave, shot straight up into the air and overturned, pitching its 29 passengers into the deepest part of the river. Police said all the riders were wearing lifejackets. Some of the 26 survivors said they either swam or let currents carry them to the Canadian shore. Many were plucked from the water by helicopter crews. (16)

A U.S. Coast Guard official said later that the ride was "an unnecessary risk and an unwarranted thrill." The U.S. Coast Guard had been assured earlier that there would be no passengers on the test runs, said Commander C. S. Weatherell, in charge of marine inspection for the Buffalo, N.Y. zone. Along with an investigation into the cause of the accident "we will determine if those aboard were passengers in the legal sense or not," he said. "No certificate of inspection was issued to the raft operators because the company assured the Coast Guard that, riders would not be passengers as defined by law," he said. (16)(#h.)

On October 30th 1977, Kenneth Lagergren and a friend known only as Charles rode together in a kayak through the Whirlpool Rapids. Both survived the journey. Lagergren was arrested by the Niagara Parks Police while his friend escaped apprehension. On October 4th 1981, professionals, Kenneth Lagergren, Chris Spelius, Don Wheedon and Carrie Ashton rode through the Whirlpool Rapids in kayaks in conjunction with the ABC - TV program "The American Sportsman". All survived unharmed despite that one kayak tipped over for twenty seconds before being righted. (A video of that run is on You Tube - See MISC.)

In the 1980s there were a number of kayak runs through the Niagara Gorge, including an open canoe run by Nolan Whitesell, taking advantage of a legal loophole. In October 1987, permits were issued for four groups. The first included Pete Skinner, Bob Baker and his brother Al, Bob Glanville, Gibbs Johnson, Chris Koll, John Maxwell, and Marty McCormick. One had Skinner and Maxwell joining Nolan Whitesell's open boat. Another included Risa Shimoda)Current River Management Society,

Executive Director(and Woody Callaway; and the last group)1982(included Spelius and Davey Hearn. Access to the Gorge for recreational boating was then denied, and there has been no resumption.)22,25(

The idea of having a boat in the upper-lower river was revived by Niagara Jet Adventures which sets out to allow people to journey in the upper rapids and the Class VI Whirlpool Rapids. The City of Niagara Falls Council tried to block the company from operating in the rapids due to the danger and the city Fire Department had search and rescue concerns if anyone ended up in the whirlpool they might not be safely rescued. (12,23)

The genesis of Whirlpool Jet Boat Tours can be traced back to the summer of 1981 when John Kinney first witnessed the whitewater spectacle of the Niagara River gorge as a part of a whitewater kayaking expedition to Northern Ontario. Kinny can recall standing beside the towering waves in astonishment, wondering if I would ever have the opportunity to experience the rapids commonly referred to as the "Mount Everest" of whitewater rapids." In 1992 Kinney overcame objections and the tours began. (#k.)

Niagara's Devil's Hole Rapids boast 15'-20' waves, currents with speeds approaching 20 mph and a solid class 5 rating. Class 5 rapids are defined as "approaching the limits of navigability, should only be attempted by whitewater experts after taking every available precaution." In the early 1990s, one of the Lachine Rapids Tours Jet boats came to Niagara to test out the Devil's Hole Rapids. In 1992 they began commercial operations.

Niagara Falls has moved back seven miles in 12,500 years and may be the fastest moving waterfalls in the world. Accurate surveys of erosion of the Falls of Niagara began in 1842. From 1842 to 1905, the average rate of erosion of the Horseshoe Falls was 3.8 feet per year. From 1906 to 1927, this rate of erosion was reduced to 2.3 feet per year.

As Niagara Falls erodes, presumably it will one day reach Lake Erie. But Niagara Falls will stop being Niagara Falls well before it reaches Lake Erie. The Falls are created by a hard limestone cap rock layer that is tilted to the south. About four miles up the river the cap rock descends below the gradient of the river bed. Once the erosion of the cap rock reaches that point, the Falls will stop and the river bed between Lake Erie and Lake Ontario will be a series of rapids. Perhaps by that time an organization like American Whitewater will have secured the rights for river runners to ply there challenging rapids and ARTA will again run whitewater trips through the entire Niagara Gorge!



{ The Whirlpool (left)}

50,000 years from now, at the present rate of erosion, the remaining 20 miles to Lake Erie will have been undermined. There won't be a falls anymore but there will still be a river at work. (29)(#o.)

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MISCELLANEOUS

- SAWCZYK v. UNITED STATES COAST GUARD: Nos. Civ-78-428, Civ.-78-435.

499 F.Supp. 1034 (1980); United States District Court, W. D. New York. October 15, 1980;

Mary F. SAWCZYK, as Administratrix of the Estate of Anthony J. Sawczyk, Deceased, Plaintiff, v. The UNITED STATES COAST GUARD, in the Department of Transportation of the United States, Defendant. George A. WILSON and Althea George Ross, as Executors of the Estate of David Drummond Ross, Deceased, Plaintiffs, v. The UNITED STATES COAST GUARD, and the Department of Transportation of the United States, Defendants.

The courts main question was whether the Niagara River was navigable as a matter of law. Representatives of Niagara Gorge River Trips had notified the United States Coast Guard of the intention to conduct the raft trips, in order for the Coast Guard to determine whether the Niagara Gorge trips were subject to Coast Guard regulation. The Coast Guard determined that the rafts were not within its jurisdiction, and consequently it did not inspect the *Grider*, the raft used by Niagara Gorge, nor any of the raft's equipment. On August 29, 1975, Niagara Gorge initiated an eleventh experimental raft trip carrying approximately 27 passengers and two crew members. Tragically, the raft capsized and the plaintiffs' decedents were ejected, resulting in their drowning.

- FRANZEK v. CALSPAN CORP.; 78 A.D.2d 134:

Appellate Division of the Supreme Court of the State of New York, Fourth Department.

December 23, 1980 - Michael J. Franzek, Appellant, v. Calspan Corporation, Appellant, Michael J. Franzek, Appellant, v. Calspan Corporation, Appellant, and Niagara Gorge River Trips, Inc., et al., Defendants and Third-Party Plaintiffs-Respondents. Zodiac, S. A., Third-Party Defendant-Appellant

Before embarking on a hazardous trip with defendant, plaintiff signed a release waiving all claims caused by defendant's negligence which he might have against defendant. We hold that release to be valid. The more difficult question is — does the release insulate this defendant from the claims for contribution made by the other defendants involved. In our view it does not.

This litigation arises as a result of an attempt to traverse the "white water" of the lower Niagara River on a rubber raft. Twenty-nine persons were aboard on this experimental trip to determine the feasibility of offering regular passenger trips to the general public.

During the journey the raft capsized. Three persons died and a number including plaintiff Michael J. Franzek, were injured. Franzek sued Niagara Gorge River Trips, Inc. (Niagara) and its president, George Butterfield, who were the raft trip operators. He also sued Zodiac and Calspan Corporation (Calspan) an engineering firm located in Buffalo which allegedly designed, tested and evaluated the raft.

Franzek alleged that Niagara and Butterfield negligently caused the accident; specifically that Butterfield was negligent in offering the ride to the public, and plaintiff in particular, when he knew or should have known that the raft was unsafe and unsuitable as a means to carry passengers upon the lower Niagara River. The second cause of action, asserted against Zodiac and Calspan, alleges that Calspan failed to test the raft properly and negligently recommended to Niagara and Butterfield that it was suitable for use on the Niagara River.

Both defendants raised as affirmative defenses plaintiff's assumption of the risk and his waiver of liability. At the same time and in the same pleading they asserted cross claims against each other, seeking indemnification or contribution. Both defendants also impleaded Zodiac, S. A. (Zodiac), a French concern which manufactured the raft; and Zodiac raised the same affirmative defenses and cross-claimed against both defendants.

The evidence before Special Term consisted of depositions of the various parties and a copy of the release containing the waiver. These reveal that plaintiff, who has a B.A. in journalism, learned of the raft ride from the local newspaper. He claims that he was given no instructions prior to boarding the raft and only after he boarded was he handed the waiver, which he signed without reading. According to the deposition of George Butterfield, all persons boarding the raft were required to sign the release in order to go on the trip; and that in the substantial interval of time while passengers were on the dock prior to embarkation each was required to execute the release before boarding. The release, after reciting the dangerous nature of the trip and representations as to the undersigned's age, condition and state of mind, provides:

“THE UNDERSIGNED UNDERSTANDS & EXPRESSLY ASSUMES ALL THE DANGERS OF THE TRIP. The undersigned waives all claims arising out of the Trip, whether caused by negligence, breach of contract or otherwise, and whether for bodily injury, property damage or loss or otherwise, which he may ever have against Niagara Gorge River Trips, Inc., its successors and assigns, and its officers, directors, shareholders, employees and agents, and their heirs, executors and administrators.”

Order unanimously modified, and as modified affirmed, without costs.

On appeal to the New York Supreme Court the families of the deceased received an award of \$530,000.

- "Man Over Board" last Niagara River White Water Tour raft trip through the Whirlpool Rapids:

Photographer: Force, Herb, Black and white photograph, date August 13, 1972.

General Photograph Collection Old Call Number 417023, Subject: Niagara River - Accidents Niagara River - Lower Niagara Whirlpool and Rapids, Place Name Niagara (river) Record ID 102383; Digital image

- May 23, 1972 First Raft Trip Video:

Video from the Niagara Falls Public Library: Niagara River Rapids Raft Trip; (Second Trip

May 25, 1972) - <https://www.youtube.com/watch?v=lqFvhGZVn7A> (You Tube); also (same one:

<https://www.youtube.com/watch?v=CwHUEOAotKI>

This video shows the first raft trip, May 23, 1972, through the Whirlpool Rapids on the Niagara River, a Class VI River. This restored Super8 silent film was made from the Whirlpool Rapids Bridge by R.H. Wixson.

There were 2 and 4 passengers respectively in each of the two nylon and rubber rafts. The passengers on this successful trip consisted of owners' family members and friends, members of the local media, and crew members. You first see the rafts in the calm waters upstream from the Bridge and then moving downstream into the whitewater area of the river where the river moves about 30 mph. The standing waves threw the 35-foot nylon-rubber rafts high into the air. Everyone made it! Only four trips followed this first trip, however.

- American Sportsman - “The First Legal Descent of the Niagara Gorge:”

The historical footage gives you a view of whitewater kayaking in the early 80's. The first descent was in the 70's by Chris Spelius and Ken Lagergren. This resulted in the arrest of Ken and the escape of Chris. For a complete pod cast of the first descent see exchile.com *American Sportsman: “First Legal Descent of the Niagara Gorge”* (kayaks) October 1976 - <https://youtu.be/89dDpHpMhYQ>

- Niagara Gorge Trips Raft Recovery on the Niagara River at the Whirlpool

Photographer: Unknown, Still Image General Photograph Collection; Notes A thirty-seven foot long air inflated rubber and nylon raft belonging to Niagara Gorge River Trips Inc. (owned by George Butterfield of Toronto) carrying twenty-nine tourists and two pilots capsized in the Whirlpool Rapids throwing everyone into the wild churning white water. Source Niagara Falls (Ont.) Public Library; Record ID 397683 Digital image;

- Kayak Run of Niagara Gorge, Ben Marr; 2014:

<https://www.facebook.com/bennymarr/videos/417014088447778/>

- In Search of Wild Rivers

Pete Skinner wrote up a run of the Gorge in First Descents: In Search of Wild Rivers; Cameron O'Connor and John Lazenby, eds.; Menasha Ridge Press; 1989;

SIGNIFICANT NOTES:

(#a.) The Niagara River:

The Niagara River flows north from Lake Erie to Lake Ontario. It forms a border between the Province of Ontario in Canada (on the west) and the State of New York in the United States (on the east). There are differing theories as to the origin of the river's name. According to Iroquoian scholar Bruce Trigger, "Niagara" is derived from the name given to a branch of the locally residing native Neutral Confederacy, who are described as being called the "Niagagarega" people on several late-17th-century French maps of the area. According to George R. Stewart, it comes from the name of an Iroquois town called "Ongniaahra", meaning "point of land cut in two".

The river, which is occasionally described as a strait, is about 36 miles long and includes Niagara Falls in its course. The falls have moved approximately 7 miles upstream from the Niagara Escarpment in the last 12,000 years, resulting in a gorge below the falls. Today, the diversion of the river for electrical generation has significantly reduced the rate of erosion. A treaty between the United States and Canada stipulates a minimum of 100,000 cfs would be allowed to flow over the falls during daytime and 50,000 cfs at night. Peak flows average over 200,000 cubic feet/second. The peak flow recorded was almost 350,000 cfs in 1986. Daytime summer flows from 1921 to 2016 averages well over 200,000 cfs daily. The total drop in elevation along the river is 325 ft.

The Niagara Gorge extends downstream from the Falls and includes the Niagara Whirlpool and the set of rapids described in this documentation are considered Class VI (Extremely difficult to successfully maneuver due to significantly steeper vertical drops and boulders, approaching the limits of navigability and should only be attempted by a team of experts after taking every precaution.).

The Niagara Gorge is home to the Lower Great Gorge or by its nickname the "Devil's Hole" because of a drop in elevation of about 16 feet in one spot. The Lower Great Gorge section of river is only about a third of a mile in length and drops a full 50 feet, is about 250 feet wide and the water is estimated to move 30 miles/hour.

The Whirlpool Rapids were created in just a few days, possibly hours, by the event that started at the Whirlpool 4,500 years ago. The Whirlpool Rapids consist of 2.5 miles of 30+ foot standing waves, making this stretch of whitewater the largest/finest series of standing waves in North America. These standing waves are thought to be caused not by rock obstructions on the bottom of the river, which is probably swept clean here, but by the sheer force (volume and speed) of the water being forced through the narrowing of the gorge at this point. From here the water races into a part of the river called the Eddy Basin, which in turn opens out into the Whirlpool. The 90-degree turn in the river is the point at which a geological catastrophe began 4,500 years ago. Here the Falls intersected the ancient St. David's Gorge.

(#b.) Terry Collier:

AKA “Goose.” I’ve known Terry for awhile, he is tall and thin, with a big mustache, and he is impeccably modest and honest.

Terry’s dad worked for Hatch. His grandmother was Ted Hatch’s sister, because his dad worked for Ted Terry got to go on a lot of trips. In 1963, 13 year-old Terry was on a trip with his dad. Terry’s dad was in the process of selling their place on the river and Terry was distraught because they had to move into town. There was a man named Charlie Red on the trip and He came up and sat down on the front of the boat with Terry and said: “I hear you’re pretty good with horses.” Terry replied: “well yea, my dad breaks them and I have to ride them.” Charlie offered Terry a job on his ranch for the summer.



In 1965 Terry started running a duffle boat for Hatch River Expeditions. One of the first trips he did was in 1965, as a baggage boat for the Ethyl Kennedy family trip. (The Kennedy’s took several river trips with the Hatches.) The next summer Ted took Terry to Salt Lake City to get his guides license, but he was too young. After that he ran on the Green and Yampa Rivers in Dinosaur National Monument and in the late 1960s went down to the Grand Canyon to guide for Ted Hatch.

Jerry Morton and Terry’s two girlfriends (King and Goodrich), “a little under age,” ran away from home and went with them. “When we got back there George Grider, he was kind of the boss and he was going to hire the girls. We were staying in this boarding house, it was kind of a bed and breakfast thing, said if you can call their folks and get permission I’ll hire them to do bookings and stuff. So we called their folks and they let them stay.” (5)

After the Niagara Gorge venture Terry returned to the Grand Canyon and worked as a guide for Arizona Raft Adventures (AZRA) for four years. In the late 1970s Ross Garrison, Terry Collier, and Tom Moody started a little adventure travel company, called Gypsy Wind Expeditions, that did sailing trips in Hawaii and river trips in central Utah and hiking trips.

Collier has been living and guiding in the Flaming Gorge area for the last 31 years, after his whitewater guiding in the Grand Canyon and the lower Green he switched to a fly-fishing outfit he named Old Moe on the Green River. After selling Old Moe Terry has added Flaming Gorge Fishing Co. to his repertoire and for the last 10 years has been guiding for Lake trout on the Flaming Gorge Reservoir. (5)

(#c.) Niagara White Water Raft Company:

Although newspapers in the Niagara Falls Library state the operation began on May 23, 1972 the initial trips began in 1971. 1972 was when the company received Coast Guard approval and began taking customers down the Niagara Gorge.

(#d.) Captain Matthew Webb:

At the age of 12, Matthew Webb enrolled as a sea cadet on the naval training ship, the HMS Conway in Liverpool, England. He was an experienced sailor and became a very good swimmer. Webb became famous for his swimming achievements. Many of these achievements were from saving human lives, or for feats such as swimming the English Channel.

In 1873 Webb became the recipient of a gold medal from the Royal Humane Society of Great Britain for lifesaving. He obtained it for jumping off the Cunard steamer, *Russia*, to save a sailor who had been washed overboard. Webb came to Niagara Falls during the summer of 1883 with the sole purpose of challenging the vicious Niagara River. He was promised a \$2,000 reward if he successfully swam through the Niagara River Whirlpool Rapids. At 4 p.m. on July 24th 1883, Captain Webb was rowed out from the Maid of the Mist landing to the middle of the Niagara River. At 4:25 p.m., Captain Webb dove into the river and began swimming. Four days later Captain Webb's mangled body was recovered near Queenston.

(#e.) Robert Moses Niagara Power Plant:

The Robert Moses Niagara Hydroelectric Power Station is near Niagara Falls. Owned and operated by the New York Power Authority (NYPA), the plant diverts water from the Niagara River above Niagara Falls and returns the water into the lower portion of the river near Lake Ontario. It uses 13 generators at a capacity of 2,525 megawatts. The plant was built to replace power production after a nearby hydroelectric plant collapsed in 1956. The pump-generating plant is atypical, in that the dam was constructed not to control the flow of water in a natural river, but rather to contain a man-made 1,900-acre upper reservoir that stores the water before being released into the Robert Moses Power Station turbines. Water enters the reservoir via tunnels from the Niagara River controlled via the International Control Dam upstream of the natural falls. Across from the Moses Generation Station is the Sir Adam Beck Hydroelectric Generating Stations, are two hydroelectric generating stations, opened in 1922 and originally named the Queenston Chippawa Power Station. It was renamed after Sir Adam Beck in 1950, with significant expansions in 1954 and 2013.

(#f) 1971 - The First Year:

The first year Lou Elliot, Dennis Prescott (age 26), John Benedict and Al Wilson were part of the exploratory crew. (33) Wilson drove a raft, motor box and gear from Flagstaff to Niagara Falls. Steve Cutright: "An ARTA guide, John Benedict, was on several Niagara trips before he came to the Rogue River crew in 1971. I worked with John the summer of 1971. He spoke of huge whitewater, way bigger than anything he'd seen in the Grand Canyon. I think John told me they had flipped or torn up rigs on the Niagara. His impressions didn't endear Lou Elliott to him, thinking the whole operation on the Niagara very poorly planned and equipped. Perhaps John returned to Niagara in 1972, but from his comments the summer of 1971, that would surprise me." (10)

"Keep in mind that John Benedict was on the double rig that flipped in Lava in 1970 at 25K cfs. He was an assistant guide on the jackass when the motor mount broke, swinging the prop to the left and turning the rig so that it stalled sideways in the ledge hole. A passenger on the trip, Ken Clementis (sp?), captured the flip on his 35mm camera and his photo won first place in a photo contest for *Life Magazine*. The December 1970 issue." (10)

Apparently, that year, they had multiple difficulties including one attributed to 1972 by Al Wilson in the *Boatman's Quarterly Review*: "George got all of these tv people on board. They had tv cameras, microphones. They were packed, facing out. They were just packed in there. We hit the first big wave, and we figured out, to avoid some of the major tragedies in the center of the main rapid, that we would do a cut out over to the left side and then swing back in again, and we'd bypass one big wave.... The rings that were the clasps where you snap 'em together, those rings all broke. So that snout just took off and went on down the river on its own." (4,5,6)



{*Life Magazine*: Lou Elliot's Rig flipping in Lava Falls}

(#g) Frederic Edwin Church: *Niagara Falls, from the American Side*:

National Gallery of Art; Corcoran Collection; In the 19th century, many American artists attempted to capture the power and beauty of Niagara Falls. Church's 1857 canvas, *Niagara*, reveals the vista from the Canadian shore. He was the first to render the spectacle on such a grand scale, with such fine detail, naturalism, and immediacy. As one writer enthusiastically noted, "this is Niagara, with the roar left out!" The painting *Niagara Falls, from the American Side* was commissioned from Church by the American Michael Knoedler in 1866. It was the third painting of the series and may have been originally destined for the Exposition. The painting was purchased by John S. Kennedy in 1887, who gifted it to his homeland of Scotland. *Niagara Falls, from the American Side* is the only major work by Frederic Edwin Church in a public collection in Europe.

(#h.) Flows and Agency Oversight:

The Niagara River flows have not been recorded in any of the river runs. Although the river flow does occasionally drop slightly below 150,000 cfs an annual daytime flow of 200,000 cfs and over is more common.

The Niagara River, determined to be a navigable river, was managed by a confusing web of authorities. A number of different definitions of "navigability" are recognized in New York, federal and other United States cases. Each of these definitions is applicable for a different purpose. Canada and the Province of Ontario wanted nothing to do with the 1971, 1972 and 1975 ventures, and although they participated in rescues, had prohibited using their shores in any way.

It is unclear if the U. S, Coast Guard had safety and pilot licensing oversight in 1971/72. Although the U.S. Coast Guard was repeatedly involved in "shutting down" the operation or approving its restart, in *Sawczyk v. United States Coast Guard*, 499 F. Supp. 1034, 1039 (W.D.N.Y. 1980), the Falls-to-Lewiston reach of the Niagara River was found navigable in fact (and thus subject to United States admiralty jurisdiction) based in part on commercial use in the form of regularly operated raft trips (apparently recreational), stating that "the raft venture at issue in these cases evidences the continuing effort to exploit the river commercially." The court added, "[it is not necessary that a waterway now be open and used commercially, if it is susceptible of being used for transport and commerce whatever the modes may be." Further in *Sawczyk v. United States Coast Guard* "Representatives of Niagara Gorge River Trips had notified the United States Coast Guard of this intention to conduct the raft trips, in order for the Coast Guard to determine whether the Niagara Gorge trips were subject to Coast Guard regulation. **The Coast Guard determined that the rafts were not within its jurisdiction, and consequently it did not inspect the Grider, the raft used by Niagara Gorge, nor any of the raft's equipment.** On August 29, 1975, Niagara Gorge initiated an eleventh experimental raft trip carrying approximately 27 passengers and two crew members. Tragically, the raft capsized and the plaintiffs' decedents were ejected, resulting in their drowning."

In 2016 the Coast Guard proposed regulations for a permanent safety zone within the Captain of the Port Zone Buffalo on the Lower Niagara River, Niagara Falls, NY. This rule is intended to restrict vessels from a portion of the Lower Niagara River considered not navigable as listed in the United States Coast Pilot Book 6 - Great Lakes: the safety zone to be established by this proposed rule is necessary to protect the public and vessels from the hazards associated with the heavy rapids in the narrow waterway of the Lower Niagara River. In the case of the 1971 Niagara Gorge raft trips the U.S. Coast Guard did rescues and filed rescue reports and after the final trip in 1972 on which a participant was injured, did a report.

A substantial body of law developed in New York to help assure that rivers and streams would be accessible to perform this important public role. The Landmark New York Case - on navigability is *Morgan u. King*, 35 N.Y. 454, 458-59 (1866), in which the New York Court of Appeals (Court of Appeals) wrote: "By the common law of England, . . . a river is, in fact, navigable, on which boats, lighters or rafts may be floated to market" In addition there are interests for approval by Niagara Falls State Park, and to a lesser degree Whirlpool State Park and Devils Hole State Park for access.

Currently the New York State Department of Parks, by regulation, prohibits launching a boat from park property, which is the only feasible access from the U.S. side to the rapids. The old regulation provided for the issuance of permits and it was that regulation that boaters exploited to gain access in 1987. Subsequently, the regulation was modified to adopt an absolute boating prohibition above the whirlpool. American Whitewater was unsuccessful in their challenge to that regulation. There have been some efforts to secure legislation or a revised regulation that would permit limited access, but, to date, they have been unsuccessful. (8.)

(#i.) Prospect Point Tower:

In the Fall of 1958, construction began on a 290-foot-tall, steel and glass, observation tower at Prospect Point, to overlook the American Falls. The tower was designed as an observation deck and was accessible from the mainland. The tower had twin elevator shafts to the base of the Niagara Gorge and the Maid of the Mist Boat docks.

(#j.) 1975 Niagara Gorge River Trips Inc.:

Niagara Gorge River Trips Inc. (10 Lafayette Square 10 Lafayette Square, Buffalo, NY 14203) was owned by George Butterfield of Toronto, Canada. The raft used on the final trips was a prototype rubber raft made by the Zodiac Company of France. The tubes were over 37' long, had a self-bailing floor and the sponsons were held away from the main donuts by an aluminum cataraft frame making the Georgie White style rig at 40' long and 27' wide. It weighed over 800 pounds. George Faye the design engineer, from Cornell University, who helped construct the raft was on the trip. (14,32) Dick Overgaard and Jerry Morton were co-operators of the raft. (15,32)

The three dead persons were identified as: Julia Martinez, age 30 of Toronto; David Ross, age 37 of Toronto and Anthony Sawczyk, age 24 of Niagara Falls, New York. Three of the survivors were admitted to the Niagara Falls Memorial Medical Center with serious injuries. Each of the passengers had paid fee of \$20 for this journey. The youngest passenger was 16 years old and the oldest was 52 years old. Four of the passengers were women. To further add to this tragedy, one man, piloting a 22 foot - 250 horsepower jet boat pilot died of a heart attack while attempting to recover this raft from the Whirlpool of the Niagara Gorge. The incident led to **Sawczyk v. United States Coast Guard** in which the Coast Guard was held harmless and **Franzek v. Calspan Corp.** that was dismissed in New York 4th District Court and later appealed to the New York Supreme Court and the families of the deceased were awarded \$530,000.

(#k.) Whirlpool Jet Boat Tours:

John Kinney is the owner & president of Whirlpool Jet Boat Tours. Although commercial operations at Whirlpool Jet Boat Tours didn't begin until 1992, the origins of the company can be traced back over 35 years on the Ottawa River when co-owner Joe

Kowalski founded Wilderness Tours. As the popularity of whitewater grew throughout the late 1970s rafting companies started on dozens of whitewater rivers in North America, however most of these rivers were located in remote areas far away from major population centers. The rapids located near big cities were either too mild to be exhilarating or so ferocious that commercial operations seemed impossible. The Lachine Rapids on the St. Lawrence River in Montreal and the Devil's Hole Rapids on the Niagara River possess this ferocious character.



In 1978, Wilderness Tours started operating motorized rafts during springtime high-water levels on the Ottawa River. A test run was conducted on the Lachine Rapids in 1979 using one of the 30 passenger inflatable boats purchased from the Carborundum Company. Although the raft made it through the rapids, it quickly became apparent that rafts were not suitable for these ferocious currents and that a faster, more powerful boat would be needed and they began testing jet boats. In 2017 they have more guests in a single day than they had in the entire first season. Whirlpool Jet Boat Tours now has 8 custom-built vessels, we run from 3 operating locations, and employ a staff of over 200!

(#l.) George Grider

George Grider was born in Memphis, Tennessee. He attended the public schools and received an appointment to the United States Naval Academy in Annapolis, Maryland where he received his naval commission in 1936. While at Annapolis, he married in secret in contravention to USNA regulations, and was officially married in 1938.

After Grider's commission as an Ensign, he was assigned to the USS *Mississippi* as catapult officer, and subsequently to the USS *Rathburne*. After this service Grider was assigned to the Navy's Submarine Warfare School, and following his successful completion of its requirements was assigned to one of the World War II era's most accomplished submarines, the USS *Skipjack*.

Grider was serving as an instructor at the Fleet Sonar School in San Diego, California at the time of Pearl Harbor and was then assigned to a submarine deployed in the defense of San Diego.

Subsequently, Grider was assigned to the USS *Wahoo* and then to two billets as Executive Officer, on the USS *Pollack* and the USS *Hawkbill*. After this, he was given command of the USS *Flasher*, and then USS *Cubera*. Grider's the story of his World War II experiences in the submarine service is in the book *War Fish* which he wrote with Lydel Sims, 1958 by Little, Brown and Company.

Grider was forced to retire from active naval service at the rank of Captain in 1947 after suffering a heart attack. He then enrolled in the law school of the University of Virginia in Charlottesville, Virginia and graduated with a law degree in 1950 and then, subsequent to his admission to the Tennessee bar, began the practice of law in Memphis.

In 1956 and 1957, Grider served on the Memphis Planning Commission, and from 1959 to 1964, the Shelby County Quarterly Court. It was from this office that Grider launched a successful campaign for the Democratic nomination for the Memphis 9th Congressional District seat in the August 1964 Democratic primary, defeating 13-term incumbent Clifford Davis for one term. Following his later defeat, Grider moved to Niagara Falls, New York where he served for eight years as vice president and general counsel for the Carborundum Company, an abrasives manufacturer. In 1975 Grider returned to Memphis and resumed the practice of law there, and was still living in the city of his birth at the time of his death in 1991. He was buried at the Memphis National Cemetery.

(#m.) American River Touring Association (ARTA):

ARTA is a non-profit corporation founded in 1963. Their purpose is to introduce people to the wilderness and to involve them safely in their river trips in a manner that is environmentally friendly. Their non-profit status provides that any surplus revenues are reinvested in the company or donated to conservation organizations.

ARTA is partners with the National Park Service, the U.S. Forest Service and the Bureau of Land Management. They operate under Special Use Permits on the Stanislaus, Klamath, Siskiyou, Bitterroot, Salmon and Challis National Forests, the Folsom, Medford and Moab Districts of the BLM, and under a concessions contract at Dinosaur National Monument. ARTA River Trips - 24000 Casa Loma Road - Groveland, CA - 95321;

800-323-2782 - 209-962-7873 arta@arta.org ;

(#n.) 1972 Trip Information:

Bob Jensen (aka Bobby) a local kid, worked some of the 1972 trips. He ended up working in CA for Wilderness World, then on the Rogue River. Bobby is living near Flagstaff. (24) Jerry Morton, formerly of Los Alamos, is now living near Farmington NM. A May 1972 article in the *Buffalo Courier-Express* indicates that Al Wilson was there in May.

Roy Wixon: "My father knew Mr. Wendell but I'm not sure whether or not he knew George. Essentially, the passengers consisted of company employees, local dignitaries, and a few of the owners' relatives, at least in the early trips. If I recall correctly, the local beauty queen was invited aboard and broke her wrist or arm during the ride." (28)

There is a question regarding the length of the pontoons, the Canyon inflatables, Ltd. Invoice does not indicate the length. Given that ARTA used 33' pontoons it is possible that the initial ones were 33' long. However, a January 1, 1974 letter from Ron Smith to Bell Aerospace about the sale of boats confirms that at least 4 pontoons were 37' long. The 1975 trip did use 37' pontoons, and it could be that the 1971/72 ventures could have used 37' pontoons. (33)

(#o.) Niagara Falls Repair:

Erosion control efforts have always been of extreme importance. Underwater weirs redirect the most damaging currents, and the top of the falls has also been strengthened. In June 1969, the Niagara River was completely diverted away from the American Falls for several months through construction of a temporary rock and earth dam. During this time, two bodies were removed from under the falls, including a man who had been seen jumping over the falls, and the body of a woman, which was discovered once the falls dried. While the Horseshoe Falls absorbed the extra flow, the U.S. Army Corps of Engineers studied the riverbed and mechanically bolted and strengthened any faults they found; faults that would, if left untreated, have hastened the retreat of the American Falls. A plan to remove the huge mound of talus deposited in 1954 was abandoned owing to cost, and in November 1969, the temporary dam was dynamited, restoring flow to the American Falls. Even after these undertakings, Luna Island, the small piece of land between the main waterfall and the Bridal Veil, remained off limits to the public for years owing to fears that it was unstable and could collapse into the gorge. (29)

(#p.) Jerry Morton:

In the summer of '72 Morton found himself employed at the Flagstaff ARTA organization. In his words: "I'm not sure they knew what to do with me. I'm certain I appeared to be too young at 19 to be considered as serious material for their Grand Canyon operation. I doubt that they believed I had 56 Yampa and Lodore trips, as well as 2 Grand trips as swamper along with numerous other trips including 4 Cataract, 2 Westwater, Grey Desolation, Middle Fork, Dolores, and numerous other segments of the Rio Grande and Arkansas rivers. I was more or less at loose ends merely helping out around the boat yard."

"I went to work for Hatch in 1968. Bus Hatch was on death watch in Vernal when I arrived, he passed away during the first week I was there so I never had the pleasure of meeting him. I remember that in 1968 Hatch had 28 employees and transported 80% of all U.S. commercial white water passengers that year. The next year Hatch had 56 employees and we did about 15% of all commercial passengers. At the time, we were really the only operation with the depth of experience to competently and regularly navigate the western river canyons. The rest of the operations appeared amateurish to me at the time, as did ARTA."

"Lou Lebby, the founder of ARTA showed up at Flagstaff and a conversation ensued about divesting the company of Grand Canyon motor rigs. It was rumored at the time that the Park Service would likely declare that motors of any kind were incompatible with a national park wilderness area and would likely be banned."

“ I suggested the possibility that I be considered and was told I wouldn't be able to find the personnel or the money. Having been in Explorer Post 20 from Los Alamos, NM, the first white water explorer post in the country, and having worked for Hatch, I knew dozens of folks that were ready, willing and available. I wrote up a business plan, put on the only suit and tie I had, and went to the bank in Flagstaff. To my astonishment, the banker approved!”

“When I made Lou aware that I could acquire the funds and personnel, he called his son in California. Lou's son responded that he felt I didn't have sufficient 'ARTA' experience. I remember thinking at the time, he's right, I'm used to feeding passengers steak, chicken and ham, as opposed to hot dogs and pork and beans, and conducting a somewhat classier operation than ARTA. The fellows that ran Niagara in '71 are the ones that ended up with the ARTA Grand Canyon motor rig contract.”

“A few days later the Niagara endeavor materialized and Lou agreed that I should participate. I called Terry Collier, hooked my old '64 Dodge 1/2 ton to a double axle flatbed, and headed to Ron Smith's place in Kanab. In Kanab, I loaded 3 boats and numerous side tubes, headed for Vernal and then east to points unknown.”

“The old Dodge was so overloaded that if I merely wiggled the steering wheel, the skinny 16x7 inch tires would roll under and the whole rig would go into a full-lock slide. Terry got rather aggravated that I wouldn't let him drive. We found that the rig was reasonably stable at 45 mph, so we proceeded east for 1,865 miles.” “We arrived in Niagara Falls after dark. Being young, broke and suspecting that New York motels were beyond our budget, we proceeded to the rim of the Niagara Gorge.”

“As it turned out, the whole American side of the Gorge had been manicured into a rather nice park, complete with trees and mown lawn. As was our custom, we threw our sleeping bags out on the grass and settled in, briefly. Before long, the police showed up, informed us that we were lucky to have been first discovered by them as opposed to the local muggers and criminals, and sent us on our way to the state park in Lewiston. Who knew? We had never encountered situations like this in Vernal, Flagstaff, Green River or Page. We finally got to sleep sometime past midnight.”

(#q.) Al Wilson:

AKA Crazy Al Wilson. In 1960s Wilson took a trip from the Northwest to California and Arizona. He stopped in Palm Springs and talked to an old friend who said "You know, one thing you've got to do is go to the Grand Canyon, and if you can, get on one of those boat trips that goes down the Colorado River." He had a National Geographic with this story in it, and he showed it to Al. So Wilson headed to the South Rim where he met some people and walked down to the river. He spotted some boats parked on the sand bar, and Wilson asked a boatman if they needed any help, and the next thing he knew he was working for ARTA in the Grand Canyon and that first year went on seven trips.

Dick McCallum was doing trips with his Grand Canyon Youth. Wilson was going by him quite often running motors and admired the fact that he had two snouts tied to a frame and had 4 kids rowing and he was using a rudder out the back. So Al went to Bucks War Surplus in Los Vegas and bought two snout tubes, a huge pile of rope, black bags and miscellaneous stuff, then had his brother in Oregon to buy enough steel two to build frames for this new snout boat (\$14). Al welded it up in Oregon and drove back to Flagstaff where he put it together and started doing private trips. David Kay the ARTA manager in Oakland got him clients, because at that time they didn't have options for 3 week trips, so he took a few down in the new “Snout Boat”. When he arrived at Lees Ferry the first time, and put the boat together it created a lot of attention, because no one had ever seen this type of boat powered by one person.



Eventually Wilson and the fellows who ran Niagara in 1971 that ended up with the ARTA Grand Canyon motor rig contract. (34,35)

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